

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Robert Campbell, Jr.,

Plaintiff,

V.

Commissioner of Social Security; Social Security Board Appeals Council Office of Disability Adjudication and Review,

Defendants.

C/A No. 8:12-2320-TMC

ORDER

Plaintiff, proceeding pro se, filed this action appealing a denial of social security benefits. This matter is before the court for review of the Report and Recommendation of the United States Magistrate Judge Jacquelyn D. Austin made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. See *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made, and the court may accept, reject, or modify, in whole or in part, the Magistrate Judge's recommendation or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

Plaintiff was advised of his right to file objections to the Report and Recommendation. (Dkt. # 24 at 3). However, Plaintiff filed no objections to the Report and Recommendation. In the absence of objections to the Magistrate Judge's Report and Recommendation, this court is not required to provide an explanation for adopting the recommendation. See *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a de novo

review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

The Magistrate Judge recommends this action be dismissed without prejudice pursuant to Fed.R.Civ.P. 41(b) based upon Plaintiff’s failure to comply with the court’s orders. The Magistrate Judge previously warned Plaintiff on two occasions that this action may be dismissed if he did not comply with the court’s orders. (Dkt. # 13, 18). Plaintiff has not complied with these court’s orders and, as noted above, has failed to file objections to the Report and Recommendation. .

After a thorough review of the Report and Recommendation and the record in this case, the court adopts the Magistrate Judge’s Report and Recommendation (Dkt. # 24) and incorporates it herein. Accordingly, the action is **DISMISSED** without prejudice for failure to prosecute pursuant to Fed.R.Civ.P. 41(b).

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

Anderson, South Carolina
November 19, 2012

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.